

basis for this statement must be submitted to the Commission upon request.

[62 FR 47968, Sept. 12, 1997]

§ 26.53 Emission limits.

(a) The power of any emission at the edges of the 4660–4685 MHz band shall be attenuated below the transmitter power (P) by at least $43 + 10 \log_{10}(P)$ or 80 decibels, whichever is less.

(b) Compliance with these provisions is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or greater. However, in the 1 MHz bands immediately outside and adjacent to the frequency block a resolution bandwidth of at least one percent of the emission bandwidth of the fundamental emission of the transmitter may be employed. The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emission are attenuated at least 26 dB below the transmitter power.

(c) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close to the licensee's frequency block edges, both upper and lower, as the design permits.

(d) The measurements of emission power can be expressed in peak or average values, provided that they are expressed in the same parameters as the transmission power.

(e) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

§ 26.54 Frequency stability.

The frequency stability shall be sufficient to ensure that the fundamental emission stays within the authorized frequency block.

§ 26.55 Field strength limits.

The predicted or measured median field strength at any location on the border of the GWCS service area shall not exceed 55 dBu unless licensees operating in adjacent areas agree to higher field strength along their mutual borders.

Subpart D—Miscellaneous

§ 26.101 Multiple ownership restrictions.

(a) GWCS licensees shall not have an ownership interest in more than three of the five, 5 megahertz wide channels available in any geographic area. For purposes of this restriction, a GWCS licensee is:

(1) Any institutional investor, as defined in § 26.4, with an ownership interest of ten or more percent in a GWCS license; and

(2) Any other person or entity with an ownership interest of five or more percent in a GWCS license.

(b) In cases where a party had indirect ownership, through an interest in an intervening entity (or entities) that has ownership in the GWCS license, that indirect ownership shall be attributable if the percentages of ownership at each level, multiplied together, equal five or more percent ownership of the GWCS license, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

EXAMPLE. Party X has a non-controlling ownership interest of 25 percent in Company Y, which in turn has a non-controlling ownership interest of 10 percent in Company Z, the GWCS licensee. Party X's effective ownership interest in Company Z is Party X's ownership interest in Company Y (25 percent) times Company Y's ownership interest in Company Z (10 percent). Therefore, Party X's effective ownership interest in Company Z is 2.5 percent, and is not attributable.

(c) Notwithstanding paragraph (b) of this section, the following interests shall not constitute attributable ownership interests for purposes of paragraph (a) of this section.

(1) A limited partnership interest held by an institutional investor (as defined § 26.4) where the limited partner is not materially involved, directly or indirectly, in the management or operation of the GWCS holdings of the partnership, and the licensee so certifies. The criteria which would assure adequate insulation for the purposes of this certification require:

(i) Prohibiting limited partners from acting as employees of the limited

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partnership if responsibilities relate to the carrier activities of the licensee;

(ii) Barring the limited partners from serving as independent contractors;

(iii) Restricting communication among limited partners and the general partner regarding day-to-day activities of the licensee;

(iv) Empowering the general partner to veto admissions of new general partners;

(v) Restricting the circumstances in which the limited partners can remove the general partner;

(vi) Prohibiting the limited partners from providing services to the partnership relating to the GWCS holdings of the licensee; and

(vii) Stating that the limited partners may not become involved in the management or operation of the licensee.

§ 26.102 Service areas.

GWCS service areas are based on Economic Areas developed by the Bureau of Economic Analysis, Department of Commerce, referred to as "EAs" and three additional EA-like service areas: Guam and the Northern Mariana Islands (combined as one service area), Puerto Rico and the United States Virgin Islands (combined as one service area), and American Samoa.

(a) *Economic Areas*. Codes from 001 to 172 are assigned to the EAs in approximate geographic order, beginning with 001 in northern Maine, continuing south to Florida, then north to the Great Lakes, and continuing in a serpentine pattern to the West Coast. Except for the Western Oklahoma EA (126), the Northern Michigan EA (058), and the 17 EAs that mainly correspond to consolidated metropolitan statistical areas (CMSAs), each EA is named for the metropolitan area or city that is the node of its largest component economic area (CEA) and that is usually, but not always, the largest metropolitan area or city in the EA. Each CEA consists of a single economic node and the surrounding counties that are economically related to the node. The following list provides EA codes and names.

Code and Name

001 Bangor, ME

002 Portland, ME
 003 Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH
 004 Burlington, VT
 005 Albany-Schenectady-Troy, NY
 006 Syracuse, NY
 007 Rochester, NY
 008 Buffalo-Niagara Falls, NY
 009 State College, PA
 010 New York-No. New Jersey-Long Island, NY-NJ-CT-PA
 011 Harrisburg-Lebanon-Carlisle, PA
 012 Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD
 013 Washington-Baltimore, DC-MD-VA-WV
 014 Salisbury, MD
 015 Richmond-Petersburg, VA
 016 Staunton, VA
 017 Roanoke, VA
 018 Greensboro-Winston-Salem-High Point, NC
 019 Raleigh-Durham-Chapel Hill, NC
 020 Norfolk-Virginia Beach-Newport News, VA-NC
 021 Greenville, NC
 022 Fayetteville, NC
 023 Charlotte-Gastonia-Rock Hill, NC-SC
 024 Columbia, SC
 025 Wilmington, NC
 026 Charleston-North Charleston, SC
 027 Augusta-Aiken, GA-SC
 028 Savannah, GA
 029 Jacksonville, FL
 030 Orlando, FL
 031 Miami-Fort Lauderdale, FL
 032 Fort Myers-Cape Coral, FL
 033 Sarasota-Bradenton, FL
 034 Tampa-St. Petersburg-Clearwater, FL
 035 Tallahassee, FL
 036 Dothan, AL
 037 Albany, GA
 038 Macon, GA
 039 Columbus, GA-AL
 040 Atlanta, GA
 041 Greenville-Spartanburg-Anderson, SC
 042 Asheville, NC
 043 Chattanooga, TN-GA
 044 Knoxville, TN
 045 Johnson City-Kingsport-Bristol, TN-VA
 046 Hickory-Morganton, NC
 047 Lexington, KY
 048 Charleston, WV
 049 Cincinnati-Hamilton, OH-KY-IN
 050 Dayton-Springfield, OH